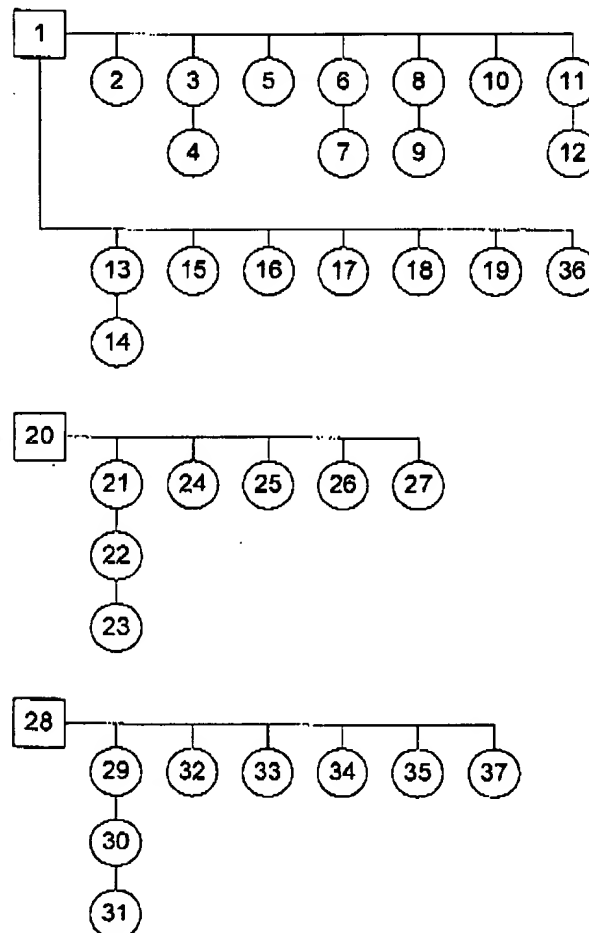


In re Application of DURR, et al.  
Application No. 09/801,950

### REMARKS

Reconsideration of the application is respectfully requested. An Office action mailed February 27, 2004 is pending in the application. Applicants have carefully considered the Office action and the references of record. In the Office action, claims 1-19 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter, and claims 1-37 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,330,569 to Baisley et al. (hereinafter *Baisley*). In this response to the Office action, claims 1, 20, 22, 28 and 30 have been amended. Therefore, claims 1-37 are pending in the application. The following diagram depicts the relationship between the independent and dependent claims, as amended.



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#### Examiner Interview and Rejections of the Independent Claims

Applicants thank Examiner Kendall for the courtesy of a telephone interview on April 22, 2004 to discuss the Office action mailed February 27, 2004. Applicants were represented by Messrs. Dodson and Conklin. During the interview, proposed amendments to independent claims 1, 20 and 28 were discussed with respect to the teachings of *Baisley*, and subject matter within the purview of 35 U.S.C. § 101. As recorded in the Interview Summary (paper number 4), Examiner Kendall indicated that, if independent claims 1, 20 and 28 were amended as formally presented herein, then the amended independent claims overcome the Office action rejection under 35 U.S.C. § 101 and distinguish the claimed invention from the teachings of *Baisley* alone or in combination with the prior art of record.

#### Rejections of the Dependent Claims

Each of claims 1, 20 and 28 is in independent form, whereas all of the remaining claims depend directly or indirectly on one of these three independent claims. The dependent claims are allowable for at least the same reasons that the three independent claims 1, 20 and 28 are allowable in that the dependent claims incorporate the features of the independent claims. Nevertheless, the dependent claims further define subject matter not shown or rendered obvious by the prior art of record. Because the independent claims are allowable over the applied prior art, applicants do not believe remarks addressing this further subject matter are necessary herein.

#### Objection to the Abstract

The abstract of the disclosure is amended herein to bring it into compliance with the requirements of 37 C.F.R. § 1.72(b). In compliance with 37 C.F.R. § 1.121(f), the amendment does not add new matter.

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CONCLUSION

The application is considered in good and proper form for allowance, and the examiner is respectfully requested to pass this application to issue. If, in the opinion of the examiner, a telephone conference would expedite the prosecution of the subject application, the examiner is invited to call the undersigned attorney.

Respectfully submitted,



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Richard P. Dodson, Reg. No. 52,824  
LEYDIG, VOIT & MAYER, LTD.  
Two Prudential Plaza, Suite 4900  
180 North Stetson  
Chicago, Illinois 60601-6780  
(312) 616-5600 (telephone)  
(312) 616-5700 (facsimile)

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